

*FILED*

IN THE UNITED STATES COURT OF EASTERN  
DISTRICT OF TENNESSEE

2023 DEC 27 AM 10:28  
US DISTRICT COURT  
EASTERN DIST. TENN.

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JOSHUA FARD MUHAMMAD |

Plaintiffs, |

CASE NO. 3:23-cv-460

v. |

JURY DEMANDED Corker/Poplin

TENNESSEE VALLEY AUTHORITY |

Defendants, |

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COMPLAINT

TENNESSEE VALLEY AUTHORITY FOUND IN VIOLATION OF HUMAN RIGHTS  
AGAINST THE CLEAN AIR ACT 42 U.S.C. §7401 et seq. (1970), HUMAN RIGHTS ACT  
TO CLEAN WATER 33 U.S.C. §1251 et seq. (1972) , and the NATIONAL ENVIRONMENTAL  
POLICY ACT (NEPA) in 1969

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## Introduction

1. In May 2022, Joshua F. Muhammad left the position of Fire Protection Engineer at Tennessee Valley Authority (TVA) Browns Ferry Nuclear Plant in Athens, AL. Him leaving his position charged a racially motivated combative statement referring to picking cotton, from an employee on the last day of employment occurred. Offense was taken from the use of this statement in a racial manner. TVA has a history of racial discrimination.
2. TVA has been found guilty beginning in the year of 2009 of racially motivated environmental discrimination of dumping toxic materials and waste in neighboring black communities of Alabama, Tennessee, and Georgia.
3. This lawsuit will also include environmental humanitarian discrimination against civilians.
4. TVA has no plans of immediate clean up or remediation, and has subjugated to ignoring the cries of civilians for immediate clean up.

## Jurisdiction

5. This Court has subject matter jurisdiction pursuant to: 1) 28 U.S.C. §1331 because this action presents a federal question for violation of rights under the Human Rights Act to Clean Air 42 U.S.C. §7401 et seq. (1970), 2) National Environmental Policy Act (NEPA) in 1969 because of pollution in black communities. of discriminatory racial comments said to Joshua Fard Muhammad regarding slavery, 3) Human Rights Act to Clean Water 33 U.S.C. §1251 et seq. (1972) because the defendant is actively and knowingly polluting water systems. 4) 42 U.S. Code §1983 because Defendants acted under state law when

they violated Plaintiffs' rights, 5) 28 U.S.C. §1332 because this action involves parties of different states and the amount in controversy is \$1 billion, 6) 28 U.S.C. §2202 because declaratory relief is sought, and 7) supplemental jurisdiction pursuant to 28 U.S.C. §1337 over the state law claims.

#### Venue

6. Venue is proper in the Eastern District of Tennessee pursuant to 28 U.S.C §1391(b)(2) and (b)(3) because a substantial part of the events arose in this district and because multiple Defendants are domiciled in this district.

#### Parties

##### Plaintiffs

Joshua Fard Muhammad

7. A worshiper and follower of Allah Whom Appeared In The Person of Master Fard Muhammad, Bachelors in Mechanical Engineering, Course Completion in Masters of Systems and Materials Engineering, former employee of Tennessee Valley Authority, and resident of Alabama.

##### Defendants

Tennessee Valley Authority

8. The Tennessee Valley Authority is a federally owned electric utility corporation in the United States.

## Background

### The Purpose of Allah (God) Whom Appeared In Person of Master Fard Muhammad

9. The purpose of Allah (God) Whom Appeared In Person of Master Fard Muhammad is to serve justice to any being but especially to the black nation in North America and global population, the most oppressed people.

### The Purpose of this Lawsuit

10. Tennessee Valley Authority operates their facilities in an oppressive manner. Joshua Muhammad and Black Community members have received racial discrimination and 2nd hand pollution from the result of environmental discrimination from Tennessee Valley Authority decisions to dump toxic waste in black communities, as well as violations of humanity against the inhabitants of those communities. Joshua Fard Muhammad is demanding immediately that TVA stops dumping and moves all toxic waste from all communities and stores it safely on their sites. Joshua Fard Muhammad is demanding the payout of \$1 Billion to which 20% (a fifth) will go towards Allah who appeared in the Person of Master Fard Muhammad and The Honorable Minister Louis Farrakhan and

near of kin to Joshua Fard Muhammad and the orphans of those affected communities and the homeless (needy) and the wayfarer as written in the Holy Qur'an 8:41. (Ali 373)

#### Racial Discrimination

11. An employee made a statement to Joshua Fard Muhammad suggesting him to go pick cotton during the last day of employment in May 2022 at Tennessee Valley Authority Browns Ferry Nuclear Plant Athens, AL which can be found on TVA security footage monitoring the furthest employee entrance of the engineering building. This employee is white and is known for having anger issues and blurting out inappropriate statements in moments of frustration.

#### TVA Toxic Coal Ash Waste Dumping in Black Communities

12. Tennessee Valley Authority has multiple coal fossil plants that produce toxic waste known as coal ash. [Coal ash, the toxic remains of coal burning in power plants, contains a hazardous brew of toxic pollutants including arsenic, boron, cadmium, chromium, lead, radium, selenium, and more. The toxics in coal ash can cause cancer, heart disease, reproductive failure, and stroke, and can inflict lasting brain damage on children.]  
*(Mapping the Coal Ash Contamination, 2022)*

13. TVA has dumped toxic waste in predominantly black communities of Perry County, AL and South Tennessee. In 2009 the United States Environmental Protection Agency

approved a plan to dump 3 million tons of coal ash that spilled from a Tennessee Valley Authority power plant in eastern Tennessee in an impoverished, largely African-American community in Alabama. (Sturgis & Lashof, 2009)

14. TVA ultimately narrowed its options to specific landfills: the North Shelby and South Shelby landfills in Tennessee, the Tunica Landfill in Mississippi, the Arrowhead Landfill in Alabama, the Taylor County Disposal Landfill in Georgia, the Lee County Landfill in South Carolina, and the Laraway Recycling and Disposal Facility in Illinois. (Hilles, 2022)

15. The chosen sites had one thing in common: all were located in low-income and predominantly minority communities. (Hilles, 2022)

#### Black Communities Affected:

- Uniontown, AL (Arrowhead Landfill) - 4 Million cubic yards of toxic ash waste in a predominantly black town in 2009. (Castro, 2022)
- Capleville, Whitehaven and Boxtown, TN (South Tennessee) (South Shelby Landfill) - 3.5 million cubic yards of toxic ash in predominantly black towns. (Greene)
- Taylor County (Veolia Landfill) - planned to dump up to 48 Million cubic yards. (“Offsite Ash Disposal Options Analysis | US EPA ARCHIVE

DOCUMENT") ("TVA Kingston Fossil Plant coal ash spill - Global Energy Monitor")

16. There are multiple reports concerning health issues from the TVA and other toxic waste dumping, from serious physical ailments to death, "three out of five Black and Hispanic-Americans, or more than 23 million people, resided in communities blighted by toxic-waste sites." (Villarosa) CDC data shows an increase of asthma from 2001 - 2021 in black communities. ("Asthma Surveillance In the United States 2001-2021")
17. The Honorable Minister Louis Farrakhan, a worshiper and follower of Allah whom appeared in the person of Master Fard Muhammad and current national representative of The Most Honorable Elijah Muhammad, delivered a speech on July 14, 1993 and taught "Vice President Gore spoke to the NAACP convention in Indianapolis speaking about environmental justice" to which The Honorable Minister Louis Farrakhan called this "environmental justice" clever words to say that they dump nuclear and toxic waste in the black communities. (Nation of Islam)

Deadly Chemicals Inhabitants are Exposed to

Arsenic

18. Arsine gas is the most toxic form of arsenic. Inhalation of over 10 ppm is lethal and at concentrations higher than 25 ppm are reported to be lethal in less than an hour after

exposure., while over 250 ppm is reported to be instantaneously lethal. (*Arsenic Toxicity - StatPearls*, 2023)

### Cadmium

19. High dose exposure to cadmium can cause abdominal cramps, diarrhea, salivation, severe nausea, and vomiting. (*Cadmium Toxicity: Clinical Assessment - Exposure History and Physical Examination | Environmental Medicine | ATSDR*, n.d.)

### Chromium

20. High dose exposure to Chromium can cause sinusitis, nasal septum perforation, allergic and irritant dermatitis, skin ulcers, respiratory irritation, bronchitis, asthma, and lung cancer. (*Chromium (Cr) Toxicity: Clinical Assessment - History, Signs and Symptoms | Environmental Medicine | ATSDR*, n.d.)

### Boron

21. Extremely high doses of boron can be fatal; for example, 15,000 to 20,000 mg can cause death in adults. (*Boron - Health Professional Fact Sheet*, 2022)

### Radium

22. The EPA has set a drinking water limit of 5 picocuries per liter (5 pCi/L) for radium-226 and radium-228 (combined). The EPA has set a soil concentration limit for radium-226 in uranium and thorium mill tailings of 5 picocuries per gram in the first 15 centimeters of soil and 15 picocuries per gram in deeper soil. (*Radium | Public Health Statement | ATSDR, n.d.*)

### Copper and Lead

23. The Lead and Copper Rule (also referred to as the LCR) is an EPA regulation to control lead and copper in drinking water. Lead and copper enter drinking water primarily through plumbing materials. Exposure to lead and copper may cause health problems ranging from stomach distress to brain damage. (*Lead (Pb) Toxicity: What Are U.S. Standards for Lead Levels? | Environmental Medicine | ATSDR, n.d.*)

### Facts

24. Tennessee Valley Authority knowingly selected landfills all surrounded by black communities to store toxic waste from the Kingston Ash Pond spill disaster in 2008, which can be found in the Offsite Ash Disposal Options Analysis. (“Offsite Ash Disposal Options Analysis | US EPA ARCHIVE DOCUMENT”)

<b>Operator</b>	Phillips and Jordan, Inc	Vocia Environmental Services	Hazletoo Creek Properties, LLC
<b>Facility</b>	Arrowhead Landfill	Vocia-Taylor County Landfill	Hazleton Mine Reclamation Project
<b>Type</b>	Class 1, Subtitle D Landfill	Class 1, Subtitle D Landfill	Beneficial Reuse/Structural fill,

5

<b>Operator</b>	Waste Connections	Waste Management	Waste Connections	Santek Environmental
<b>Facility</b>	Meadow Branch Landfill	Chestnut Ridge Landfill	Volunteer Regional Landfill	Rhea County Landfill
<b>Type</b>	Class 1, Subtitle D landfill	Class 1, Subtitle D landfill	Class 1, Subtitle D landfill	Class 1, Subtitle D landfill
<b>State</b>	Tennessee	Tennessee	Tennessee	Tennessee
<b>Road Distance</b>	57 miles	50 miles	58 miles	37 miles
<b>Total Ash Capacity (cy)</b>	2,000,000	Up to 5,000,000 with volume guarantee	5,000,000	7,125,000
<b>Max. Daily Capacity (cy)</b>	500	8500 tons	500	500

			abandoned coal mine
<b>State</b>	Alabama	Georgia	Pennsylvania
<b>Rail Distance</b>	327 miles	340 miles	660 miles
<b>Total Ash Capacity (cy)</b>	11,000,000	48,000,000	5,000,000
<b>Max. Daily Capacity (cy)</b>	Currently 6,500; 13,800 by mid July, 2009	Unlimited	8,000

25. Below is a screenshot from a common Lethal Dose Table provided by Whitney Highschool of the Lethal Dose to kill 50% of a human test sample for lead, lead is one of the toxins found in TVA's toxic waste. The Lethal Dose ( $LD_{50}$ ) to kill 50% of the human population is the amount of an ingested substance that kills 50 percent of a test sample. ("Lethal Dose Table") It is expressed in mg/kg, or milligrams of substance per kilogram of body weight. It is 450 mg/kg, the average weight for an adult is 181 lbs or 82.1 kg in 2021 (Elflein), the lethal dose for the average adult is 36945 mg or 36.945 g. A study conducted at a coal combustion plant in Xi'an City China results show that the amount of lead emission from 1 ton coal combustion, which lead content in coal was 30 g, was 20 g in atmosphere ("[Lead emission amount from coal combustion and its environment effect in Xi'an City]"). TVA dumps millions of tons (see above) of coal , which is enough to kill 100% of the population in a given amount of time polluting air and water.

Lead	Lead Pb	Lowest published dose 450 (human, oral)	Bluish or silvery solid	Acute -headache, insomnia, joint pain. Chronic-anemia, kidney disease, reproductive and developmental toxin.
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26. Joshua Fard Muhammad's rights were discriminated against at TVA while TVA has non discriminatory policy and procedure via The "No Fear Act" which states, A Federal agency cannot discriminate against an employee or applicant with respect to the terms, conditions or privileges of employment on the basis of race, color, religion, sex, national origin, age, disability, or genetic information. ("No Fear Act Notice")
27. CDC Data shows an increase in asthma in black communities from 2001 - 2021, one of the side effect traits among Black Americans living next to toxic waste dump sites. ("Asthma Surveillance In the United States 2001-2021"). Other diseases found in an international study of people living next to toxic waste sites are: Chronic cough – It is an air borne disease. Asthma – It is also an air borne disease. Pneumonia – 356 patients found in Korba. Tuberculosis –It is an air communicable disease. Diarrhea- It is a water borne disease. Sickle cell anemia-It is a condition in which the blood is deficient in red blood cells, in hemoglobin, or in total volume. ("Fly ash disposal and diseases in nearby villages (A Survey)"). Joshua Fard Muhammad has a childhood to early adult history of suffering from asthma and past encounters with tuberculosis. (Family Care Associates 1-3)
28. TVA and TVA employees have violated not only black individuals but also white individuals intoxicating and disabling workers and residents who are involved around

toxic waste; several lawsuits have already been filed; Appalachian v. Tennessee Valley Authority, Tennessee Valley Clean Act Settlement, and etc. (“Appalachian Voices v. Tennessee Valley Authority, 3:23-cv-00604 – CourtListener.com”) (“UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF ALABAMA NORTHERN DIVISION GREEN GROUP HOLDINGS, LLC, a Georgia limited liability”) (“Tennessee Valley Authority Clean Air Act Settlement | US EPA”)

29. TVA is still involved in violating human rights to clean air, and clean water. “TVA’s coal ash dumps at the now-defunct Allen Fossil Plant rank as the 10th worst contaminated sites in the country in a report released earlier this month that examined groundwater monitoring data from coal-fired plant operators, including TVA.” (Satterfield and Evans)

Count 1- TVA violates human rights

30. Joshua Fard Muhammad realleges and incorporates by reference paragraphs 1 - 29, as though fully set forth herein.

Count 2 - TVA violates The Human Rights to Clean Air Act

31. Joshua Fard Muhammad realleges and incorporates by reference paragraphs 2 - 29, excluding paragraph 24, as though fully set forth herein.

32. 42 U.S.C. §1983 creates a private right of action against any person who, under color of state law, deprives another of “rights, privileges, or immunities secured by the Constitution.”

#### Count 3 - TVA violates The Human Rights to Clean Water Act

33. Joshua Fard Muhammad realleges and incorporates by reference paragraphs 2 - 29, excluding paragraph 24, as though fully set forth herein.

34. 42 U.S.C. §1983 creates a private right of action against any person who, under color of state law, deprives another of “rights, privileges, or immunities secured by the Constitution.”

#### Request For Relief

WHEREFORE, Joshua Fard Muhammad respectfully request this Court enter the following judgment against Defendants Tennessee Valley Authority:

A. Award damages, punitive and otherwise, in the amount of \$1 billion resulting from the:

i. violation of not only Joshua Fard’s Muhammad’s, but black community members affected from toxic waste disposal, Human Rights Act to Clean Air 42 U.S.C. §7401 et seq. (1970), the Human Rights Act to Clean Water 33 U.S.C. §1251 et seq. (1972), the National Environmental Policy Act (NEPA) of 1969, and 42 U.S.C. §1983 because the defendant is actively violating these rights.

B. Immediate clean up of all toxic waste dumped by TVA in black communities.

C. Grant Joshua Fard Muhammad court costs, attorneys' fees, and any additional relief the Court finds appropriate.

Joshua Fard Muhammad demands a trial by jury.

Signed by Joshua Fard Muhammad, 12/19/2023.

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## Exhibits

### Exhibit [A]

Ali, Maulana Muhammad. *The Holy Qur'an: Arabic Text, English Translation and Commentary*. Ahmadiyyah Anjuman Isha'at Islam Lahore U.S.A., 1995.

### Exhibit [AP]

"Appalachian Voices v. Tennessee Valley Authority, 3:23-cv-00604 –

CourtListener.com." *CourtListener*, 13 June 2023,

<https://www.courtlistener.com/docket/67503494/appalachian-voices-v-tennessee-valley-authority/>. Accessed 13 December 2023.

### Exhibit [AR]

"Arsenic Toxicity - StatPearls." *NCBI*, 12 June 2023,

<https://www.ncbi.nlm.nih.gov/books/NBK541125/>. Accessed 9 December 2023.

### Exhibit [AS]

"Asthma Surveillance In the United States 2001-2021." *CDC*,

<https://www.cdc.gov/asthma/asthma-prevalence-us-2023-508.pdf>. Accessed 13 December 2023.

### Exhibit [B]

"Boron - Health Professional Fact Sheet." *NIH Office of Dietary Supplements*, 9 June 2022, <https://ods.od.nih.gov/factsheets/Boron-HealthProfessional/>. Accessed 9 December 2023.

### Exhibit [C]

"Cadmium Toxicity: Clinical Assessment - Exposure History and Physical Examination | Environmental Medicine | ATSDR." *Agency for Toxic Substances and Disease*

*Registry*, <https://www.atsdr.cdc.gov/csem/cadmium/Clinical-Assessment.html>.

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**Exhibit [CAS]**

Castro, Gina. "Will Black communities bear the burden of coal ash?" *Energy News*

*Network*, 15 September 2022,

<https://energynews.us/2022/09/15/as-utilities-seek-to-relocate-coal-ash-will-black-communities-bear-the-burden/>. Accessed 9 December 2023.

**Exhibit [CH]**

"Chromium (Cr) Toxicity: Clinical Assessment - History, Signs and Symptoms|

*Environmental Medicine | ATSDR.*" *Agency for Toxic Substances and Disease*

*Registry*, [https://www.atsdr.cdc.gov/csem/chromium/signs\\_and\\_symptoms.html](https://www.atsdr.cdc.gov/csem/chromium/signs_and_symptoms.html).

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**Exhibit [E]**

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<https://www.statista.com/statistics/1305115/us-adults-average-self-reported-weight-by-gender/>. Accessed 13 December 2023.

**Exhibit [F]**

Family Care Associates. Patient Care Summary for Joshua Seals. 19 07 2016, p. 3

**Exhibit [FL]**

"Fly ash disposal and diseases in nearby villages (A Survey)." *International Journal of*

*Current Microbiology and Applied Sciences (IJCMAS)*,

<https://www.ijcmas.com/vol-4-2/Shikha%20Shrivastava,%20et%20al.pdf>.

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**Exhibit [G]**

Greene, Darrell. "FOX13 Investigates: Transporting truckloads of toxic materials through Memphis neighborhoods." FOX 13 Memphis, 20 February 2023,  
[https://www.fox13memphis.com/news/fox13-investigates-transporting-truckloads-of-toxic-materials-through-memphis-neighborhoods/article\\_53e2d4da-b165-11ed-b42a-33897eae14c4.html](https://www.fox13memphis.com/news/fox13-investigates-transporting-truckloads-of-toxic-materials-through-memphis-neighborhoods/article_53e2d4da-b165-11ed-b42a-33897eae14c4.html). Accessed 19 December 2023.

**Exhibit [H]**

Hilles, Chloe. "Long burdened by a coal plant, South Memphis residents say no to coal ash in their backyard." *Energy News Network*, 22 August 2022,  
<https://energynews.us/2022/08/22/long-burdened-by-a-coal-plant-south-memphis-residents-say-no-to-coal-ash-in-their-backyard/>. Accessed 9 December 2023.

**Exhibit [L]**

"[Lead emission amount from coal combustion and its environment effect in Xi'an City]." *PubMed*, <https://pubmed.ncbi.nlm.nih.gov/11987396/>. Accessed 13 December 2023.

**Exhibit [LP]**

"Lead (Pb) Toxicity: What Are U.S. Standards for Lead Levels? | Environmental Medicine | ATSDR." *Agency for Toxic Substances and Disease Registry*,  
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**Exhibit [LET]**

"Lethal Dose Table." *Lethal Dose Table*,

[https://whs.rocklinusd.org/documents/Science/Lethal\\_Dose\\_Table.pdf](https://whs.rocklinusd.org/documents/Science/Lethal_Dose_Table.pdf). Accessed 13 December 2023.

**Exhibit [M]**

"Mapping the Coal Ash Contamination." *Earthjustice*, 3 November 2022,

<https://earthjustice.org/feature/coal-ash-contaminated-sites-map>. Accessed 9 December 2023.

**Exhibit [N]**

Nation of Islam. *Self-Determination*. Lecture given July 14, 1993 by the Honorable Minister Louis Farrakhan. 1993. *Youtube*,

<https://www.youtube.com/watch?v=SqJwi6gu4-Q>.

**Exhibit [NO]**

"No Fear Act Notice." *Tennessee Valley Authority - TVA*,

<https://www.tva.com/information/no-fear-act-data/no-fear-act-notice>. Accessed 12 December 2023.

**Exhibit [O]**

"Offsite Ash Disposal Options Analysis | US EPA ARCHIVE DOCUMENT." *EPA Archives*,

<https://archive.epa.gov/region4/kingston/web/pdf/approved-offsite-ash-disposal-options-plan.pdf>. Accessed 12 December 2023.

**Exhibit [R]**

"Radium | Public Health Statement | ATSDR." CDC,

<https://www.cdc.gov/TSP/PHS/PHS.aspx?phsid=789&toxicid=154>. Accessed 9 December 2023.

**Exhibit [S]**

Satterfield, Jamie, and Lisa Evans. "Report: TVA's Allen Fossil Plant in Memphis ranks #10 in most contaminated U.S. sites – Tennessee Lookout." *Tennessee Lookout*, 28 November 2022,  
<https://tennesseelookout.com/2022/11/28/report-tvas-allen-fossil-plant-in-memphis-ranks-10-in-most-contaminated-u-s-sites/>. Accessed 13 December 2023.

**Exhibit [ST]**

Sturgis, Sue, and Dan Lashof. "Decision to dump TVA's spilled coal waste in Alabama community sparks resistance." *Grist*, 8 July 2009,  
<https://grist.org/article/decision-to-dump-tvas-spilled-coal-waste-in-alabama-community-sparks-resist/>. Accessed 9 December 2023.

**Exhibit [T]**

"Tennessee Valley Authority Clean Air Act Settlement | US EPA." *Environmental Protection Agency*,  
<https://www.epa.gov/enforcement/tennessee-valley-authority-clean-air-act-settlement#violations>. Accessed 13 December 2023.

**Exhibit [TV]**

"TVA Kingston Fossil Plant coal ash spill - Global Energy Monitor." GEM.wiki,  
[https://www.gem.wiki/TVA\\_Kingston\\_Fossil\\_Plant\\_coal\\_ash\\_spill#TVA\\_shipping\\_](https://www.gem.wiki/TVA_Kingston_Fossil_Plant_coal_ash_spill#TVA_shipping_)

[coal\\_ash\\_from\\_Tennessee\\_disaster\\_to\\_Georgia\\_and\\_Alabama](#). Accessed 14 December 2023.

Exhibit [U]

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NORTHERN DIVISION GREEN GROUP HOLDINGS, LLC, a Georgia limited  
liabili." *American Civil Liberties Union*, 2 June 2016,  
[https://www.aclu.org/sites/default/files/field\\_document/16\\_memorandum\\_in\\_support.pdf](https://www.aclu.org/sites/default/files/field_document/16_memorandum_in_support.pdf). Accessed 13 December 2023.

Exhibit [V]

Villarosa, Linda. "Pollution Is Killing Black Americans. This Community Fought Back.  
(Published 2020)." *The New York Times*, 28 July 2020,  
<https://www.nytimes.com/2020/07/28/magazine/pollution-philadelphia-black-americans.html>. Accessed 13 December 2023.